

## **Joint Department of State/Department of Homeland Security Report: Status of the Afghan Special Immigrant Visa Program**

### **Introduction**

The Department of State (“Department”), the Department of Homeland Security (“DHS”), and other U.S. government departments and agencies involved in the U.S. Special Immigrant Visa (“SIV”) program are committed to helping the men and women who have taken enormous risks to support our military and civilian personnel. Congress, under section 602(b) of the *Afghan Allies Protection Act of 2009*, as amended, requires this quarterly report to review statistical data on nationals of Afghanistan who have applied for status as special immigrants.

The Department issued 7,223 SIVs to Afghans in Fiscal Year (“FY”) 2018, including 1,649<sup>1</sup> principal applicants. As we continue to strive for process improvements, we also continue to ensure thorough screening for national security concerns. SIV issuance numbers through the third quarter of FY 2019 are available on [travel.state.gov](http://travel.state.gov).

The Consolidated Appropriations Act for FY 2019, as enacted on February 15, 2019, authorized 4,000 additional SIVs for Afghan principal applicants, for a total of 18,500 visas allocated since December 19, 2014. As of June 30, 2019, the Department has issued 12,819 out of the available 18,500 SIVs to Afghan principal applicants who are employed by, or on behalf of, the U.S. government in Afghanistan, or by the International Security Assistance Force (“ISAF”) or a successor mission to ISAF.

### **Average Wait Times for Each Step of the SIV Application Process**

All steps in the SIV application process are outlined below and include the current average processing time for all involved U.S. government entities. This statistic captures total U.S. government processing time in calendar days, beginning with the applicant’s initial submission of documents to the Department’s National Visa Center (“NVC”) and ending with the date of visa issuance at a U.S. embassy or consulate.<sup>2</sup> It does not capture those steps in the SIV process that depend solely on the applicant’s initiative and are outside the control of the U.S. government. SIV applications move through 14 steps, in the following four stages: the Chief of Mission (“COM”) application process; Form I-360 petition adjudication by DHS; visa interview and security screening; and final visa adjudication (issuance or denial).

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<sup>1</sup> Figures include adjustment of status data from U.S. Citizenship and Immigration Services.

<sup>2</sup> The Department of State’s National Visa Center (“NVC”) should not be confused with the National Vetting Center, also known as NVC, established under the National Security Presidential Memorandum 9.

Special Immigrant Visa (SIV) Processing Steps <sup>1</sup>			
Stage	Step	Description	Average processing times in calendar days
Chief of Mission application process	1	Applicant submits COM application package to the Department's NVC.	Applicant-controlled
	2	NVC reviews documents for completeness.	10
	3	NVC sends completed package to the COM Committee at the U.S. Embassy Kabul.	1
	4	The COM Committee reviews the application and makes a decision to approve or deny.	415 <sup>2</sup>
	5	The COM Committee advises NVC if the application is approved. If approved, NVC immediately sends approval letter to applicant. (If any documents reveal that applicant does not qualify for the program, the COM application is denied.)	5
Form I-360 adjudication process	6	Applicant self-petitions to DHS U.S. Citizenship and Immigration Services ("USCIS") using Form I-360.	Applicant-controlled
	7	USCIS adjudicates petition and sends to NVC if approved. <sup>3</sup>	24
Visa interview process,	8	NVC sends instruction packet to applicant requesting standard	5

including pre- and post-interview <sup>4</sup>		immigrant visa documentation.	
	9	Applicant submits required documentation to NVC.	Applicant-controlled
	10	NVC reviews documents for completeness.	3
	11	NVC schedules applicant for next available interview at the U.S. embassy's consular section.	27
	12	Applicant is interviewed by consular officer on the scheduled appointment date. Administrative processing is initiated following the interview.	2
	13	The applicant's case undergoes administrative processing. <sup>5</sup>	98
Visa issuance to eligible applicants	14	Upon completion of administrative processing, applicant is instructed to obtain a medical exam. The visa is issued if applicant is eligible. In some cases, the passport will have expired and requires renewal by the applicant.	Applicant-controlled
		<b>Total U.S. government processing time in calendar days<sup>6</sup></b>	<b>590</b>
<sup>1</sup> Processing steps are for SIVs authorized under section 602(b) of the Afghan Allies Protection Act of 2009, as amended. This applies to Afghan nationals in the SQ classification.			
<sup>2</sup> Totals include data for SIV applicants who completed Chief of Mission			

Committee review between April 1 and June 30, 2019. The growth in processing times compared to the second quarter report (which was 237 days) is due to the resolution of several long-standing cases which caused the overall average to jump significantly. Excluding these long-standing cases, the average wait time is 307 days.

<sup>3</sup>For Form I-360 petitions filed with USCIS between April 1 and June 30, 2019.

<sup>4</sup>The majority of applicants receive SIV status by going through the process explained in this chart. Applicants who obtain SIV status in the United States apply for [adjustment of status](#) from USCIS.

<sup>5</sup>Line 13 totals include data for SIV applicants who completed administrative processing between April 1 and June 30, 2019. Average processing time for cases that remain pending cannot be calculated until they are completed.

<sup>6</sup> The statistics in this chart were formerly reported in business days in reports published April 2014 – April 2016. U.S. government processing times do not factor in applicant-controlled steps. Overall processing times are greater than U.S. government processing times.

### **Applications Pending Longer Than Nine Months**

Even if an applicant has acted promptly in each of the applicant-controlled steps that precede Step 13 of the SIV application process, applications may be pending longer than nine months for completion of administrative processing (Step 13). Administrative processing is essential to the integrity of the SIV program, and process enhancements have resulted in improved efficiency.

### **Applications Pending at Each Stage of the SIV Application Process**

As of June 30, 2019, the following numbers of Afghan applicants were pending in one of the application stages:

- Step 1 – 7,761 principal applicants had COM applications pending at NVC, for which the applicant had taken action within the past 120 days. These applicants had submitted some, but not all, of the documents required to apply for COM approval.
- Step 7 – 73 principal applicants had Form I-360 petitions pending with USCIS.
- Step 11 – 40 principal applicants and 152 derivative family members were pending scheduling for visa interviews. Most Afghan applicants will be interviewed at Embassy Kabul, as they reside in Afghanistan. Applicants who reside outside of Afghanistan will be interviewed at the U.S. embassy or consulate that adjudicates immigrant visa applications for their country of residence.
- Step 13 – Applications for approximately 933 principal applicants and 137 derivative family members were undergoing administrative processing.

### Number of SIV Applicants in Third Quarter of FY 2019

The following chart shows the number of Afghan applicants who applied for SIVs at a visa interview in the third quarter of FY 2019 under section 602(b) of the *Afghan Allies Protection Act of 2009*, subsequent to receiving COM approval.

Month	Principal Applicants	Derivative Family Members	Total
April	351	1,185	<b>1,536</b>
May	308	917	<b>1,225</b>
June	340	1,109	<b>1,449</b>
<b>Total</b>	<b>999</b>	<b>3,211</b>	<b>4,210</b>

### Applications Denied or Pending at Each Stage of the SIV Application Process

At the end of the third quarter of FY 2019, the following numbers of applications were denied or pending at one of the application stages:

- 502 Afghan principal applicants were deemed unqualified to receive COM approval or had the approval revoked during the third quarter of FY 2019. Applicants whose COM applications are denied or revoked are able to appeal the decision. 101 Afghans submitted appeals during the third quarter of FY 2019. Of those appeals adjudicated during this quarter, none were approved after the applicant submitted additional information.
- 264 Form I-360 petitions were filed by Afghan principal applicants between April 1 and June 30. USCIS denied five petitions.
- 40 principal applicants and 152 derivative family members were pending scheduling for visa interviews.
- Applications for approximately 933 principal applicants and 137 derivative family members were undergoing administrative processing.

### Reasons for COM Denial

As reflected in denial letters sent by the COM at U.S. Embassy Kabul, denial of a COM application generally occurs for one or more of the following reasons:

- *Failure to establish qualifying employment by or on behalf of the U.S. government, or by ISAF or a successor mission.* For Afghans employed by or on behalf of the U.S. government, the Department considers the employment requirement satisfied for an alien hired under a direct-hire appointment, or through an agency's personal services agreement (PSA) or personal services contract ("PSC") authority. The Department has also considered Afghan nationals hired by and paid through a U.S. government contractor, subcontractor, or Employee Association to meet the broader criteria for employment "by or on behalf of" the U.S. government. The Department has not considered the requirement under section 602(b) to be "employed by or on behalf of the United States government" satisfied in other situations, such as individuals employed by an entity funded by a grant or cooperative agreement with the U.S. government, or self-employed businesspersons who operate under a license with the U.S. government. For Afghans employed by ISAF, or a successor mission, Section 1227 of the FY 2015 National Defense Authorization Act states that qualifying applicants must be employed "by the International Security Assistance Force," interpreted to include direct hires by ISAF or ISAF member nations. The National Defense Authorization Act for FY 2017 requires Afghans employed by or on behalf of the U.S. government who submit an application for COM approval on or after December 23, 2016 to further establish that their employment required them to serve as an interpreter or translator for personnel of the Department or USAID; to serve as an interpreter or translator for U.S. military personnel; or to perform sensitive and trusted activities for the U.S. government.
- *Insufficient documentation.* Applications are denied for this reason if the applicant fails to provide a required document, or if there is a deficiency in a document provided by the applicant.
- *Failure to establish the required length of employment by or on behalf of the U.S. government, or by ISAF or a successor mission, during the period specified in section 602(b) of the Afghan Allies Protection Act of 2009, as amended.* Applicants who submitted applications for COM approval on or before September 30, 2015, must demonstrate one year of qualifying service. Applicants who submitted or submit applications for COM approval on or after October 1, 2015, must demonstrate two years of qualifying service.
- *Failure to establish providing faithful and valuable service to the U.S. government.* Applications denied for this reason generally have involved cases lacking the requisite positive recommendation or evaluation. In some instances where faithful and valuable service was not confirmed, employment by or on behalf of the U.S. government had been terminated for cause.
- *Derogatory information associated with the applicant that is incompatible with the requirements of the SIV program.* This reason for denial generally relates to information that the applicant engaged in an unlawful, unethical, criminal, or terrorism-related activity.